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The Columbian Balance, and Repository.

"HAIL SACRED POLITY, BY FREEDOM REAR'D!
"HAIL SACRED FREEDOM, WHEN BY LAW RESTRAIN'D!"
BEATTIE.

HUDSON, (New-York) TUESDAY, January 31, 1804.

Original.

Hither the products of your closet-labors bring,
Enrich our columns, and instruct mankind.

FOR THE BALANCE.

POLITICAL CATECHISM.

Being a sketch of what might, on a matured plan, be taught in Schools, and also, by Heads of Families, to Youth and Children.

(CONTINUED.)

HAS *the magiſtrate as ſuch any thing to do with religion?*

If by religion be meant that temper and conduct which ſeeks the honor of God and the happineſs of man, he has nothing elſe to do, but to promote religion both in himſelf and others, within the limits preſcribed him.

But is not his agency confined to ſecular concerns?

His agency relates to ſecular concerns *immediately*, but he ought *ultimately* and *chiefly* to ſeek the eternal intereſts of men in all his conduct.

Will not this view of the ſubject confound the province of the magiſtrate, with that of the miniſters of religion?

Not at all; to promote the beſt intereſts of men by enacting and executing a good ſyſtem of laws, and by providing for the common defence and welfare, is very diſtinct from promoting the ſame intereſts by teaching the principles of religion, and enforcing them by the hopes and fears of the goſpel.

Have the Legiſlature a right to maintain religion, at the public expence?

They have a right, and it is their duty to do it, if the public opinion will permit?

Whence does this right reſult?

It reſults from their general right to do whatever they may deem neceſſary to promote the common good.

But is it prudent for them to exerciſe this right?

The prudence of the meaſure will depend on the exiſting ſtate of public opinion; but if that will not permit, civil liberty cannot long be ſupported.

Why can it not be ſupported?

Becauſe, without religion there will be no virtue, and virtue is the baſis of civil liberty.

Is not the promiſe of God to ſupport religion ſufficient without human aid?

The promiſe of God will be verified; but this promiſe involves the uſe of human means and exertions.

Still the queſtion remains, is the public maintenance of religion one of thoſe means?

It was a mean of ſupporting religion by divine appointment under the ancient Jewiſh Theocracy; it has been a mean in all Chriſtian nations ſince; and it will be a mean in the moſt proſperous ſtate of the church of Chriſt on earth when kings ſhall be its nurſing fathers and queens its nurſing mothers.

Does not the principle advanced imply a right in the Legiſlature to chooſe what kind of religion to maintain?

It does; public opinion alone muſt decide this queſtion.

Will they not, then, maintain a corrupt religion, where ſuch a religion prevails among the people?

They will; but *corrupt* religion is more uſeful to the ſtate than *atheiſm* or *total irreligion*, for all the various ſyſtems, which have prevailed in the world, agree in ſome *common principles*, the belief of which has contributed to that order and peace in ſociety which have exiſted.

What are thoſe common principles?

The chief are, that there is a Supreme God who preſides over the univerſe; that we are accountable to him for our conduct; and that he will reward or puniſh us, in a future ſtate, according to our works. A belief of thoſe great principles has been, and ever will be, the baſis of ſociety.

How are they the baſis of ſociety?

By operating on our hopes and fears, which are the moſt powerful ſprings of action, they reſtrain wickedneſs in a degree beyond our preſent conceptions; they are the foundation of all judicial and office oaths; without which, trials at law would be a farce, and inveſtigation of truth utterly hopeleſs; and they are the ſource of all that truth and confidence which exiſt between man and man.

Will not honeſt men ſpeak the truth as witneſſes, in judicial proceedings, without being under the obligations of an oath?

They will, but the more they feel the obligations of truth the better, and the awful ſanctity of an oath often ſupports a feeble virtue; and it muſt be remembered,

that *honeſt men are formed* by a firm perſuaſion and belief of theſe great principles; and without them, truth and juſtice would be baniſhed from the earth.

Was the public maintenance of religion deemed neceſſary by the ancient Pagans?

It was; their ſtateſmen and legiſlators agreed in opinion, that government could not be ſupported without it: and if *they* derived ſuch benefit from a religion mixed with fable and falſhood, how much greater might this favoured nation expect, from the pure religion of the goſpel.

Would not truth be more likely to prevail, if the Legiſlature were to regard all ſyſtems of religion with equal favour?

To regard all ſyſtems, as Paganiſm, Judaiſm, Chriſtianity, and Mahometiſm with equal favour would be as abſurd in the Legiſlature, as in the teacher of religion; it would be, in effect, to neglect all; but for the Legiſlature and the teacher to neglect all ſyſtem of religion would not be the beſt means to cauſe truth to prevail.

Ought a Chriſtian Legiſlature to regard the various ſhades of opinion which diſtinguiſh the different ſects of Chriſtians?

They ought not; they will look with equal favour on all who worſhip the Father through the Son, if they hold no principle hoſtile to ſociety, or to the genius of the government.

Does it not infringe the rights of conſcience to compel a citizen to pay for the ſupport of religion which he does not approve?

It does not, any more than to compel him to pay for the ſupport of any meaſure which he deems unjuſt or uſeleſs, or to which his private judgment ſtands oppoſed.

What is it to infringe the rights of conſcience?

It is to puniſh a man for a religious opinion.

Does not the taking of a man's property, in the caſe ſuppoſed, amount to a puniſhment?

It does not; becauſe the taking is by a common rule, which affects all the citizens alike, who are not puniſhed but taxed: and becauſe the taking is not for, or on account of, his private opinion, which is not regarded or conſidered.

Has the individual, then, no right to exerciſe private judgment in this caſe?

If the Legiſlature have a right to judge for what purpoſes, and to what amount to tax the people, which muſt be admitted; then, the individual has no right to oppoſe his private judgment to their deciſion; for otherwiſe, there will co-exiſt rights totally repugnant to each other: if *they* have a right to judge, *he* has not: if they have a right *to judge*, they have a right *to take*; and if they have *a right* to take, he has not *a right* to withhold; his conſcience is no otherwiſe concerned, than to dictate the payment of the tax, as a lawful debt, created by the higheſt authority, and a part of the price of his freedom and protection as a citizen.

But can the individual in conſcience pay his tax if the avowed object was the ſupport of idolatrous worſhip?

He can; he is not accountable for the application of the money; his *paying* what will otherwiſe be taken by force of law is no expreſſion of approbation of the object to be promoted, any more, than his *walking* to the ſtake would expreſs his approbation of the ſentence, by which he is to be burnt as a heretic. Chriſt wrought a miracle to pay a tax to the Roman government, which, in reſpect to Judea, was an uſurpation, and which ſupported an idolatrous worſhip; we are bound *to render unto Cæſar the things that are Cæſar's, and to God the things that are God's.* We are taught *to render tribute to whom tribute is due, cuſtom to whom cuſtom, fear to whom fear, honor to whom honor.*

Have you any other reaſon to aſſign for the public maintenance of religion?

It is all important, becauſe it is a public homage paid by the ſupreme power of the State to God, who is the fountain of all dominion, authority and power, in heaven and on earth; who is king of kings and lord of lords; on whom all nations depend for their exiſtence and proſperity, and *who ruleth in the kingdoms of men, and giveth them to whomſoever he will.*

(TO BE CONTINUED.)

Selected.

FROM THE EVENING POST.

LONDON MONTHLY MAGAZINE.

Mr. Smith, editor of the National Intelligencer, thus introduces an article from this work, entitled "POLITICS."

"The following extract from the London Monthly Magazine of July laſt "ſhews the opinion entertained *abroad* of "the motives and tendency of the meaſ-"ures of the opponents of the adminiſtra-"tion, on that topic which for a year "paſt has moſt deeply engaged the atten-"tion of the people. We perceive in the "delineation it draws of the parties the A-"WARD OF HISTORY.

The topic here alluded to, is the breach of treaty on the pars of Spain, "in withholding the right of depoſit." He proceeds thus—

"The ſudden withholding of the right "of depoſit at that place, which had been "ſolemnly ſtipulated by treaty, created a "ſtrong ſenſation in the minds of the peo-"ple of the United States. A doubt, "however, early aroſe, whether this un-"warrantable act originated from the In-"tendant of Louiſiana, or from the Span-"iſh court. While this queſtion remain-"ed undecided, the Government of the "United States deemed it more adviſeable "to attempt a ſettlement of the difference "by negociation, than abruptly to adopt "forcible meaſures which might lead to "war. They therefore determined to "take ſuch precautionary and preparatory "ſteps as ſhould provide againſt the worſt, "and at the ſame time to open a negocia-"tion.

"But the oppoſition obſerving the pop-"ularity of the economical and other ſalu-"tary reforms undertaken by the preſent "adminiſtration, and deſpairing of all "means but of a foreign war to unhinge a "ſyſtem reſting upon ſo deep a founda-"tion, employed every means in their "power to precipitate the nation into hoſ-"tilities with Spain. For this purpoſe the "diſcontents and murmurs of the people "of the Weſtern States, more immediately "ſuffering the inconveniencies and priva-"tions reſulting from the ſuſpenſion of "the depoſit at New-Orleans, were "warmly cheriſhed and encouraged; and "*hints of no equivocal meaning were in-*"*duſtriouſly thrown out, that they ought* "*themſelves, without waiting for the con-*"*currence or authority of the govern-*"*ment, to provide a remedy, and that a* "*hoſtile one*, for the exiſting reſtriction "on their trade."

As we have not the leaſt doubt who is the perſon that writes the American article for the Monthly Magazine—we are very ſorry to be compelled to obſerve that this ſtatement is totally untrue. Let him, if he can, mention the federal paper that inſinuated to the Weſtern States, in the moſt diſtant manner, the doctrine of inſurrection. We may ſafely defy him to do it. It then reſts with him to reconcile it to his conſcience or to his public character, how he could prepare ſuch a calumny for publication, and ſend it acroſs the Atlantic for the purpoſe of diſparaging the views of the federal party here. He continues the miſrepreſentation—

"The ſuggeſtions, though well calcu-"lated to gratify the feelings of the mo-"ment, obtained no ſucceſs. The Weſ-"tern States ſtrongly attached to the ad-"miniſtration, to republican principles, "to the authority of the conſtitution, to "law and to order, refuſed to liſten to "*propoſitions* ſo deſtructive to every thing "that freemen hold moſt dear. Thus the "affair was quietly left to the operation of "the *remonſtrances* which the Govern-"ment had early tranſmitted to the court "of Madrid."

What remonſtrances, Sir! Has then our government had the boldneſs to remonſtrate? If ſo we are very glad of it, but upon my word this is the firſt time I ever heard of it.

" At length the *order of the King of* " *Spain arrived, the conduct of the In-* " *tendant was diſavowed and the right* " *of depoſit entirely reſtored.*"

This is another miſrepreſentation, equally unworthy and wicked with the former. Has the King of Spain diſavowed the conduct of the Intendant?—When, where, and in what terms? Where is the order here ſpoken of, and who has ſeen it? At what period was the right of depoſit *entirely* reſtored? What reparation has been made for injury done? What recompence for loſſes ſuſtained? What puniſhment for malconduct has been inflicted or awarded? —None, none.

The following obſervation, which is the laſt we ſhall extract, does equal credit to his love of candor and his regard for truth:

" The efforts of the federaliſts to in- " volve the United States in the calami- " ties of war, were, on this occaſion, " prompt, bold, and preſerving. Their " diſappointment indicates a degree of " good ſenſe, moderation and reflection " in the great body of the people which " does them much honor."

We come now to the main purpoſe of this article.—This is the third time that we have taken occaſion to appriſe the American people, that the department of the London Monthly Magazine denominated the " *Half yearly retroſpect of American Literature*" is written not in England, but in this country.—We felt ourſelves called upon more than a year ago to explain this fact, for the purpoſe of ſilencing, at that time, the eaſtern democratic preſſes on the ſubject of Dr. Emmons' celebrated laſt day ſermon. They with much oſtentation uſhered to their readers what they called a review of this ſermon by the impartial Engliſh critics; and appeared to think that they had gained a great triumph in being able to ſhew that it had met with unqualified condemnation from ſuch diſtinguiſhed literary characters.—We had long been ſatisfied that all the articles under the above head were of American manufacture, but on that occaſion we produced concluſive evidence of the fact from one of the numbers of the Magazine itſelf. It appeared that the " retroſpect" did not arrive in ſeaſon to be included in the number for January, 1802, and the editors therefore found themſelves compelled to make the apology, that " The Retroſpect of American Literature *had been regularly tranſmitted from America* and had, by ſome accident, been detained on its paſſage." At that time we took ſome pains to place this matter in an unanſwerable point of view, in hopes that it might be the means of putting a ſtop to what we thought had a tendency to deceive the public.

We confeſs, that without vanity on our part, we expected that our paragraph would have met with a pretty general republication from the federal preſſes, eſpecially at the eaſtward; inſtead of which we ſaw no more of it, excepting that one of the Boſton editors deigned to ſay in three words of his own, that ſuch a detection had been made. As it was of a general nature, we did think and we ſtill think that the article ought to have been tranſplanted entire into the federal preſſes. Had it been, we ſhould not now have witneſſed this important attempt in Mr. Jefferſon's editor to put off the miſrepreſentations of a New-York democrat as " the opinion entertained abroad of the motives and tendency of the meaſures of the opponents of the adminiſtration" and as " *the award of hiſtory.*"

To prevent this impoſition or a ſimilar one from ever being repeated, we now feel juſtified in ſtating it as a fact that we are very certain will not be denied by him, that the writer of the " Retroſpect" for the Monthly Magazine, is no other than a late learned Profeſſor, who left his gown and ſlippers in the College-Hall to become our political Palinurus, and direct the affairs of the nation; and, from his preſent ſituation, we fear, he was not ſo utterly ignorant as he ought to have been of this flagrant and ſcandalous attempt in the miniſterial paper at Waſhington to miſlead the public.

Editor's Cloſet.

GOVERNOR M'KEAN & Co.

Some weeks ſince, we preſented our readers with Gov. M'Kean's address to the legislature of Pennſylvania, containing his reaſons for witholding his aſſent from the bill for extending the powers of juſtices of the peace. The governor, no doubt, thought that his cogent and ſenſible reaſoning would check the tumult of democracy, and reſtrain the outrages of unruly jacobiniſm. But he was miſtaken. The bill in queſtion has paſſed both houſes of the legiſlature by the conſtitutional majority; and has therefore become a law, nothwithſtanding the diſſent of the governor.

" An habitation giddy and unſure
Hath he that buildeth on the vulgar heart.
O thou fond many! with what loud applauſe
Didſt thou beat heav'n with bleſſing *this M'Kean*,
Before he was what thou wouldſt have him be!
And now being trimm'd up in thine own deſires,
Thou, beaſtly feeder, art to full of him,
That thou provok'ſt thyſelf to caſt him up."

Gov. M'Kean was elected by a majority of 30,000. Led to authority by ſuch a multitude, he little ſuſpected that his " habitation was giddy and unſure." In the fervor of his high-blown pride, he proceeded with meaſures, of which his ſober reaſon has long ſince, no doubt, taught him to repent. But there were bounds which Gov. M'Kean felt no diſpoſition to overleap. The judicial inſtitutions of our country, he wiſhed to preſerve unſullied and unimpaired. The multitude, however, were determined to leave nothing ſtanding which had been " ſanctified by experience;" and the governor found that it was much more difficult to extinguiſh a flame, than to enkindle it. He found, tho' too late, that it was much eaſier to lead the faction forward to deeds of deſtruction, than to check their mad career. He found, in ſhort, that all his efforts were inſufficient to ſave the judiciary from immolation. But this is not all—The very men who were wont to extol the governor while he went with the current, are now " provoking themſelves to caſt him up." The Aurora man, that " drill ſergeant" of democracy—that ſpeaking trumpet of jacobiniſm—that " great-toe of the rabble," has begun the attack, and we have no doubt but he will perſevere until the governor's " giddy and unſure habitation" is tumbled to the ground.

LOVE OF THE PEOPLE.

In the Aurora of Jan. 10, we obſerve an address to the legiſlature of Pennſylvania, on the ſubject of reforming the judicial ſyſtem of the ſtate. The writer of this address ſays, he " makes no doubt but the governor and all the *law characters* of the ſtate, will prefer increaſing the number of judges: The diſpoſition, (continues the writer) to adhere to an *old* ſyſtem is almoſt inſeparable from thoſe in power, on account of the ſecurity it gives them of continued profit and advantage." Ah, ha! here is a genuine picture of modern patriotism—a true ſpecimen of what the democrats call *regard for the people's rights*. Here we are told that a man who has been elected to office by a majority of *thirty thouſand democrats*, will ſtick to a certain ſyſtem becauſe it ſecures him *profit* and *advantage*. This is *diſintereſted patriotiſm*, with a witneſs. Let theſe democrats alone, and they will ſoon ſhew us what they mean by *loving the people*.

To Readers & Correſpondents.

If any ſentiments ſhould be found in the *Political Catechiſm*, now publiſhing in this paper, which do not exactly coincide with thoſe of the reader, or which it may be ſuppoſed do not correſpond with thoſe of the editor, it ſhould be reflected, that a *free preſs* is a medium, through which every perſon has a right to convey, in a decent manner, his opinions to the public; and that ſentiments thus communicated are open to free diſcuſſion and ſcrutiny. Whether *all* the doctrines advanced by my reſpected correſpondent, can be fully ſupported, is not a queſtion for me to decide. The production in view, is written with ability, and treats of the moſt important concerns; it is, therefore, deſerving of attentive peruſal.

" CATO," on the impeachment of Judge Chaſe, is unavoidably poſtponed until next week.

Columbian Eloquence.

Mr. TRACY's SPEECH,

IN THE SENATE OF THE UNITED STATES,

Friday, December 2, 1803,

ON THE PASSAGE OF THE AMENDMENT TO THE CONSTITUTION.

[CONTINUED.]

Mr. Preſident, it has often been ſaid by the diſcerning and judicious of this and other countries, that our conſtitution, for its brevity, its comprehenſiveneſs, its preſpicuity, and the political ſkill contained in it, was the beſt ſtate paper extant. I believe all this, and even more is a tribute juſtly due to its merits; and I am perſuaded that the article which fixes a mode for the choice of a chief magiſtrate, ſtands moſt prominent among its excellences.

Let us now, ſir, examine and compare the merits of the amendment with a ſpecial reference to this laſt view we have taken of the conſtitutional proviſion.

The amendment authorizes the electors to vote for a Preſident, and for a Vice-Preſident by ſpecific deſignation. Is ambition in your country? Here is a direct and inviting object for its operations.

Is the integrity of your electors aſſailable? You place it here in the moſt encouraging attitude for an aſſault. A fear of detection, and a ſenſe of ſhame, upon the expoſure of an improper action, has been, perhaps, a better ſecurity againſt political errors or crimes, than all the moral virtues united, when the temptation has been attended with an impoſſibility of detection. An intrigue with an elector, can be carried on without much danger of detection; but when your election is carried into the houſe of repreſentatives, beſides the ordinary weight of character in favor of the members of that houſe, a detection of an intrigue with a candidate is almoſt certain. It will be recollected, that at the laſt election, two or three members held the choice perfectly in their own hands. If I miſtake not, three gentlemen, that is, a member from New-Jerſey, a member from Vermont, and one from either Maryland, Delaware, or Tenneſſee, could have given a Preſident to the United States. The particular gentlemen mentioned were above ſuſpicion of bribery; but in addition to this circumſtance, if they had in the conteſt, gone over, from improper motives or under the influence of bribery, a detection was certain.

This will remain forever, the criterion, as it reſpects the relative danger of intrigue and bribery, in the two modes of choice. And the amendment is avowedly intended to ſecure a choice by electors, and to prevent a reſort to the houſe; becauſe ſays the gentleman from Virginia, (Mr. Taylor,) "If you permit the election to go into the houſe, there, are ſmall ſtates, and minorities, and all the evils of a diet election;" meaning, that corruption muſt be the conſequence. But he ſays, "let there be a divided election, by the electors, meeting by ſtates ſeparately, and you leſſen the tendency to corruption." This may look plauſible in theory, but I think practice will ſhow its fallacy.

It may be better for the electors to meet by ſtates, than for all to be together, but this can never prove that they are leſs liable to corruption than the houſe of repreſentatives; which is the only point in queſtion.

The manner of electing the Vice-Preſident, as propoſed by the amendment, not only invites ambition to an unchecked operation; but expoſes us to the ſelection of a leſs important, and more unfit perſon, than the conſtitutional proviſion. In addition to his importance in the government ariſing from his incidental ſucceſſion to the chief magiſtracy, the Vice-Preſident is ex officio, Preſident of the Senate, and gives a direct influence, to the ſtate from which he is choſen, of a third vote in this body, in all caſes of equal diviſion, which are uſually the caſes of moſt importance. Beſides, his influence as preſiding officer is, perhaps, more than equal to the right of a vote. It becomes therefore peculiarly important to the ſmall ſtates, and to minorities, whoſe ſecurity reſts in this body, not only that their influence in the election of Vice-Preſident ſhould not be diminiſhed; but, that no meaſure be adopted, which may tend to beſtow the office upon an unworthy character. By the propoſed amendment, this character muſt neceſſarily become a ſort of make-weight, and ſtepping-ſtone for the Preſidency.—As in recruiting for an army, a man, active, and of a particular caſt of character, but not very proper for a commander in chief, is employed to obtain recruits, and upon condition that he obtains a given number, is to be rewarded with a ſergeant's warrant; ſo in this caſe, the man who can procure a given number of votes for Preſident, will be encouraged to hope for the Vice Preſidency; and where will ſuch characters be ſought after? In Delaware or Rhode-Iſland? No ſir, but in the great ſtates; there the recruiting talents will be put in operation, becauſe the number of recruits, or votes, will be ſufficient to teſt his active and recruiting merits. And thus the office of Vice-Preſident will be ſent to market, with hardly a poſſible chance to meet an honeſt purchaſer.

I have already remarked upon the alteration made by the Senate, in the reſolution paſſed by the houſe of repreſentatives, changing the number five to three. But one addition made this morning, deſerves attention; I mean that which authorizes the Vice-Preſident to adminiſter the government, in caſe neither the firſt nor the ſecond conſtitutional electors effect a choice of Preſident.

This is a new principle, and its operation is more uncertain, than that of any other part of the propoſed amendment. Viewing it in one point of light, it may be thought to confer a new power upon the Senate; that of giving a Peſident to the union. And it is ſaid, that this part will recompenſe the ſmall ſtates, who have the aſcendency in the Senate, for the injury inflicted by the other parts of the amendment. If it be true, that the laſt part reſtores all which the former parts have taken away from us, it is inconceivable, why any man can wiſh to paſs a reſolution, the parts of which thus mutually deſtroy each other. It is poſſible, that by the force of intrigue and faction, the electors may be induced to ſcatter their votes for both Preſident and Vice-Preſident, in ſuch manner, as to preſent ſeveral candidates to the houſe for Preſident, and two or more to the Senate for Vice-Preſident. In which caſe the Senate might immediately chooſe or ſelect a Vice-Preſident. In this ſtate of things, there is an opportunity afforded for an intrigue, of a very extenſive and alarming nature. The Senate, I mean a majority of them, might wiſh that the man whom they had elected Vice-Preſident ſhould adminiſter the government; and if the houſe could be prevented from agreeing, their wiſhes would be gratified. The facility of *preventng* over that of *producing* a choice is very obvious.

A bold addreſs may be made to any member of the houſe, without wounding his pride, or offending his morality, to adhere to his candidate, and not change his vote ſo as to effect a choice. He can be told that there is no danger of leaving the United States without a Preſident, as there is one already choſen to his hand, by the Senate; and this perſon may be more the object of his wiſhes, than any of the other candidates, his favorite excepted. In this proceſs the Senate may give a Preſident to the United States. But if the probability of ſuch a proceſs and ſuch an event is increaſed by the amendment of this morning, it certainly cannot greatly recommend it. For myſelf, I wiſh for no alteration in the conſtitution, not even if its operation were directly in favor of the ſmall ſtates, more eſpecially, if ſuch a favor is to be derived through a ſort of double conſpiracy of intrigue; in the firſt place to operate on the electors, and then on the houſe of repreſentatives. It ſeems to me, that the ſmall ſtates had better be contented to enjoy the rights now ſecured to them by the conſtitution, which they can *honeſtly* do, rather than ſubmit to a deprivation of their rights,

for the ſake of *diſhoneſtly* obtaining a reſtoration of them. We may charitably and ſafely conclude that the majority do not intend, by this part of the amendment, to expoſe the country to ſuch a ſcene of iniquity. And the uncertainty of its operations, alone, is, in my mind, a ſufficient ground for rejection. However the operation of this part of the amendment may appear in theory, as to other points, it ſeems to me, that in one point all muſt agree, and that is, when the houſe of repreſentatives know that the United States will be left without an executive magiſtrate, in caſe they do not agree; this awful reſponſibility, will ſpeak in a vioce too loud for the hardihood of party entirely to diſregard. And may I not ſuggeſt, without giving offence, that the operation of this very reſponſibility, has been proved, at leaſt in ſome degree, in the proceedings of the laſt Preſidential election?

If this laſt mentioned ſecurity be worth preſerving, it follows of courſe, that the part of the amendment alluded to, ought not to paſs.

There is another view of the conſtitution, which has a reference to the general ſubject before us; and that is, the caution exhibited with reſpect to the introduction of amendments. In an inſtrument ſo important, and containing many features new, if not to the world, at leaſt to ourſelves, although we might approve of its principles; yet experience might diſcover errors as to the mode deviſed for carrying thoſe principles into effect. Hence, it was the part of wiſdom and caution to provide for ſuch alterations in practice, as would give the faireſt operation to principles, without incurring the confuſion and agitation incidental to a general convention. But leſt the daring and reſtive ſpirit of innovation ſhould injure or deſtroy, under the ſpecious name of amendment, that ſame wiſdom and caution have provided ſalutary checks.

"*Two thirds of both houſes of Congreſs ſhall deem it neceſſary*" to propoſe amendments; and three fourths of the ſtate legiſlatures ſhall ratify ſuch amendments; before they acquire validity. I ſpeak now, ſir, of the mode which has always been, and probably will he put in practice to obtain amendments. The other conſtitutional mode is equally guarded as to numbers, but, as it has no relation to the ſubject now in debate, may be laid aſide. "Two thirds of both houſes," muſt, I think, on every fair principle of conſtruction, mean two-thirds of all the members. The number of Senators is thirty-four; two-thirds being twenty-three. And as there is no repreſentation from New-Jerſey, the number of repreſentatives is one hundred thirty-ſix; two-thirds being ninety-one

My impreſſions are, ſir, that this amendment cannot conſtitutionally be propoſed to the ſtate legiſlatures, unleſs it is agreed to, in the two houſes, by thoſe numbers, twenty-three, and ninety-one, reſpectively. This is a conſtitutional point, which, I am told, has never been agitated. But it is certainly worthy of attention. If the conſtruction ſhould prevail, that two-thirds of the members preſent, at any time, might propoſe amendments, the conſequence is, that twelve Senators, being two-thirds of a quorum, and forty-eight repreſentatives, being a ſimilar two-thirds, might propoſe any, and the moſt important amendments. I am aware, ſir, that it may be ſaid, ſuch propoſitions are not final, they may yet be ratified or rejected by the ſtate legiſlatures. But the ſpirit of the conſtitution ſeems to require two-thirds of the nation acting by its proper organs, to propoſe amendments; and that, in ſo intereſting a ſubject as a conſtitutional alteration, a leſs number ſhould have no authority.

The letter of the conſtitution will certainly juſtify this idea of its ſpirit. When two-thirds of the Senate are requiſite to conſent and adviſe to a treaty, the words are "two thirds of the Senators *preſent*." To convict on impeachment, "two-thirds of the members *preſent*." Yeas and nays are to be entered on the journal, "at the deſire of one-fifth of thoſe *preſent*." In the two firſt caſes it is requiſite to act immediately, whether two-thirds of the whole are preſent or not; then we ſee the expreſſions are clear, "two-thirds," refers to the numbers *preſent*. Why ſo? Becauſe without theſe expreſſions, the reference would have been underſtood to the whole number of members. In the laſt caſe why add the word "*preſent*" to the one fifth? Becauſe, without that word, one-fifth of the whole would have been its meaning. In all other caſes, when two-thirds are required, the ſpirit of the conſtitution certainly is, and the words ſeem to carry the meaning, "two-thirds" of the whole numbers. It is ſaid, "that a majority of each *houſe* ſhall conſtitute a quorum to do buſineſs." *Houſe*, muſt in this caſe mean all the members. Two-thirds of both houſes muſt, on the ſame principles, mean two-thirds of all the members of both. There is, I acknowledge, ſome obſcurity, in the conſtitutional uſe of the word *houſe*, when either of the two branches of congreſs is deſcribed by it; but if the intention, and ſenſe as well as words are attended to, I am forcibly led to a belief that two-thirds of all the members of both houſes, are required to ſanction propoſitions for amendments, and that this conſtruction is moſt conſiſtent with the wiſdom and political ſkill of the convention. The conſtruction for which I contend is analogous to the caution manifeſt in other parts of the conſtitution. It was well known to the convention, that amendments, if recommended or propoſed by congreſs, would have an impoſing influence with the ſtate legiſlatures; and that in no poſſible inſtance, could more evil ariſe from indigeſted meaſures, than in the caſe of amendments, owing to the impoſſibility of clearly foreſeeing their operations and effects on the general conſtitutional ſyſtem. It was made requiſite therefore to wait for the uninfluenced movement of two-thirds of the popular and federative repreſentations of the nation. Whatever may be our opinion on the point now diſcuſſed, the ſtate legiſlatures have a conſtitutional right to judge of it for themſelves, and to determine whether a propoſition for an amendment is preſented to them, with the ſanction required, and if, in their opinions, the requiſite numbers have not agreed, to the propoſition, they will guard the conſtitution, by refuſing to ratify ſuch amendment. My honorable friend from New-Hampſhire (Mr. Plumer) has done ſuch ample juſtice to this part of the ſubject, as to place it out of the reach of my aſſiſtance and beyond the need of any.

I am convinced, Mr. Preſident, that the amendment now under conſideration could not, in the Senate, obtain a conſtitutional majority, of two-thirds, nor even a ſimple majority, were it not for the influence of inſtructions. Some gentlemen have ingenioufly ſaid, that until they gave this amendment the preſent particular examination, they had not contemplated the extent of its probable effects, and although they entertained doubts, yet they were induced by the inſtructions given them, to make the propoſition to the legiſlatures, and let them decide for themſelves.

Whatever may or can be ſaid in favor of inſtructions generally, cannot be applicable to this caſe. For the purpoſe of obtaining amendments to the conſtitution, congreſs can only propoſe, and the ſtate legiſlatures ratify. The duties are appropriate and diſtinct, and the uninfluenced independent act of both, requiſite. The legiſlatures cannot ratify, till a propoſal is made. This ſubject can be elucidated and enforced by familiar examples. The houſe of repreſentatives alone, can originate a bill for raiſing revenue, but it cannot become a law without a concurrence of the Senate. Would not the advice and inſtruction of the Senate to the houſe, intimating our deſire that they would originate and ſend to us for concurrence, a revenue, be thought improper, indelicate and even unconſtitutional? The Preſident and the Senate can appoint certain officers, but they have diſtinct and appropriate agencies in the appointment: The

Preſident can nominate, but cannot appoint without the advice and conſent of the Senate ?

But the Senate cannot nominate, nor could their advice to the Preſident, to make a nomination, be either binding or proper. The character of the ſeveral independent branches of our government, forming conſtitntional checks upon each other, cannot be exemplified more fully, than in the mode of producing amendments. And an interference of one independent body, upon the appropriate and diſtinct duties of another, can in no inſtance have a more prejudicial effect. Can it be thought then, either proper, or conſtitutional for the ſtate legiſlatures to aſſume the power of inſtructing congreſs to *propoſe* to them a meaſure, when the power of propoſing is not only not given to them, but given excluſively to congreſs ? As well and with as much propriety might congreſs make a law, attempting to bind the ſtate legiſlatures to ratify ; as the legiſlatures, by inſtructions, bind congreſs to propoſe. In either caſe the check, which for obviouſly wiſe purpoſes, was introduced into the conſtitution, is totally deſtroyed. And we have not as much ſecurity againſt improper amendments, as we ſhould have, if the power were excluſively veſted in the ſtate legiſlatures, and for this obvious reaſon, that in this mode of operation the reſponſibility, for the adoption of an improper amendment, is divided and deſtroyed. Is the ſentiment correct, ſir, that we ſhall be juſtifiable in ſending forth this propoſition to be conſidered by the ſtate legiſlatures. if we believe it ought not to be ratified? What would be thought of the Senate, if they ſhould paſs a bill, and ſend it to the houſe of repreſentatives for concurrence, the proviſions of which they diſlike entirely, and wiſhed not to be eſtabliſhed ? And can any ſound diſtinction be made between ſuch a meaſure, and the one now before us ? In either caſe, the ſingle act of the other body would be final ; and in either caſe the people at large would be ſafer to have but one body in exiſtence, to legiſlate, or make amendments ; for all our agency in both caſes would only tend to deceive and miſlead, and in addition, to diminiſh, if not deſtroy, as has juſt been obſerved, the reſponſibility of the other body.

It has been ſaid, ſir, that the houſe of repreſentatives have twice given a ſanction to this meaſure, and that their conduct, in this particular, adds weight to it. I wiſh to treat that honorable body with the higheſt reſpect ; but I muſt deviate from the truth, were I to acknowledge that their conduct upon this amendment, has a tendency to convince me that they have a full underſtanding of the ſubject. Twice have they ſent us a reſolution, ſimilar in its leading feature to that on your table, and made no proviſion that the perſon to be Vice-Preſident, ſhould be qualified for the highly reſponſible office, either in age, or citizenſhip. And for aught that they had guarded againſt, we might have had a man in the chief magiſtracy, from Morocco, a foreigner, who had not been in the country a month.

[TO BE CONCLUDED.]

Be it our weekly task,
To note the passing tidings of the times.

Hudson, *January* 31, 1804.

FROM NATCHEZ, Dec. 31.

The following letter was received by the laſt mail.

NEW-ORLEANS, DEC. 20.

SIR,

I HAVE the pleaſure to inform you, that on this day the city of New-Orleans and its dependencies were amicable ſurrendered to the United States ; and on this occaſion I pray you to receive my ſincere congratulations,

Accept aſſurances of great reſpect,
from your obedient ſervant,
WM. C. C. CLAIBORNE.

Hon. CATO WEST,
Secretary Miſſiſſippi Territory.

BY HIS EXCELLENCY
WILLIAM C. C. CLAIBORNE,
Governor of the Miſſiſſippi Territory, exerciſing the powers of Governor General and Intendant of the Province of Louiſiana.

WHEREAS, by ſtipulation between the governments of France and Spain, the latter ceded to the former the colony and province of Louiſiana, with the ſame extent it had at the date of the abovementioned treaty in the hands of Spain, and that it had when France poſſeſſed it, and ſuch as it ought to be after the treaties ſubſequently entered into between Spain and other ſtates ; and whereas, the government of France has ceded the ſame to the United States by treaty duly ratified, and bearing date the 30th day of April, in the preſent year, and the poſſeſſion of ſaid colony and province is now in the United States, according to the tenor of the laſt mentioned treaty ; and whereas, the Congreſs of the United States, on the 31ſt day of October, in the preſent year, did enact, that until the expiration of the ſeſſion of Congreſs then ſiting, (unleſs proviſions for the temporary government of the ſaid territories be ſooner made by Congreſs) all the military, civil and judicial powers exerciſed by the then exiſting government of the ſame, ſhall be veſted in ſuch perſon or perſons, and be exerciſed in ſuch manner as the Preſident of the United States ſhall direct, for the maintaining and protecting the inhabitants of Louiſiana in the free enjoyment of their liberty, property and religion ; and the Preſident of the United States, has by his commiſſion bearing date the ſame 31ſt day of October, inveſted me with all the powers, and charged me with the ſeveral duties heretofore held and exerciſed by the Governor General and Intendant of the province.

I have therefore thought fit to iſſue this my Proclamation, making known the premiſes, and to declare, that the government heretofore exerciſed over the province of Louiſiana, as well under the authority of Spain as of the French republic, has ceaſed, and that of the United States of America is eſtabliſhed over the ſame ; that the inhaditants thereof will be incorporated in the union of the United States, and admitted as ſoon as poſſible according to the principles of the federal conſtitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States ; that in the mean time they ſhall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profeſs ; that all laws and municipal regulations which were in exiſtence at the time of the ceſſation of the late government remain in full force, and all civil officers charged with their execution, except thoſe whoſe powers have been ſpecially inveſted in me, and except alſo ſuch officers as have been entruſted with the collection of the revenue, are continued in their functions, during the pleaſure of the governor for the time being, or until proviſion ſhall otherwiſe be made.

And I do hereby exhort and enjoin all the inhabitants and other perſons within the ſaid province, to be faithful and true in their allegiance to the United States, and obedient to the laws and authorities of the ſame, under full aſſurance that their juſt rights will be under the guardianſhip of the United States, and will be maintained from all force or violence from without or within.

In teſtimony of which I have hereunto ſet my hand.

Given at the city New-Orleans, the 20th day of December, 1803, and of the independence of the United States of America the 28th.

WM. C. C. CLAIBORNE.

Extract from the orders of General Wilkinson, given at the Camp of the American Troops, on the left bank of the Miſſiſſippi, near the city of New-Orleans, December 17, 1803.

PAROLE COLUMBIA.

THE operation before us, however ſimple or fate, will require much ſelf denial and reſtraint, to preſerve that regularity, and order, which we owe to our reputation, to the rights and ſenſibilities of thoſe whom we are to cheriſh, and to the character of our country; the General, therefore, claims moſt earneſtly the co-opeecation of the gentlemen of his command, for the maintenance of an uniform ſyſtem of rigorous ſubordination and diſcipline, without which, the confidence of government may be abuſed, the beneficent views of the United States defeated, and the honor of the whole corps indeliably ſullied.

In the courſe of political events we behold a poliſhed people, (ſtrangers to our manners, our laws and our language,) caſt into our arms. Be it our pride and our glory, to receive them into the great family of our happy country, with cordial embraces, and by the generous hoſpitality and ſolid ſympathy which are every where due to the ſtranger, let us diſpel the apprehenſions of the timid, baniſh the ſuſpicions of the credulous, and confirm the confidence of all, in the clemency, the wiſdom, and the juſtice of the American Republic.

The general will applaud the meritorious ſoldier, who receives the Louiſianian as his brother; and he flatters himſelf the ſentiment will be univerſal, but ſhould he be diſappointed, he will expel from the corps and mark with infamy the wretch, who may reſiſt the impulſions of the richeſt and moſt magnanimous emotions and affections of the human heart.

The perſons and the property of the inhabitants of every rank and every ſpecies, are to be held in ſacred reſpect—and whoever may dare to injure the one, or violate the other, will be brought to ſpeedy and condign puniſhment.

The articles of war are to be read to the troops at morning parade to-morrow.

Certified to be conformable to the original.

By order of the General,

D. WADSWORTH.

Aid de Camp pro. tem.

FOREIGN.

By an arrival at Norfolk, Engliſh papers to the 15th November, have been received. Theſe furniſh but little intelligence of importance. Every thing material is contained in the following ſketches:

Orders had been iſſued in France, for all Iriſh priſoners brought into ports of the Republic, to be immediately ſet at liberty, and every inducement held out to them to enter the ſervice:

It was reported that the French government had ordered ſeveral thouſand red uniforms to be ſent to the troops deſtined for the invaſion of England, to occaſion confuſion if a landing ſhould be effected.

It was reported in London on the 14th Nov. that the Breſt fleet had put to ſea; but the report proved erroneous.

DEAL, NOV. 14.

Extract of a letter.—Another and immediate bombardment of ſuch of the enemy's ports as have any gun-boats collected in them, or in a ſtate of preparation, is now determined on.—Boulogne is ſaid to be the principal object of attack. The Leopard, of 50 guns, captain Morris, who is appointed commodore of the firſt ſquadron, to be employed, is juſt now in ſight, with the Ambuſcade frigate, and making for the Downs. I have talked with an officer belonging to the Leopard, who waites her arrival here, and he has told me that Capt. Morris, previous to the ſailing of his ſhip from the Nore, ſummoned all hands on deck, and in the moſt impreſſive and animating terms deſcribed to them the importance and difficulties of the expedition in which they were about to be employed; he concluded with expreſſing his reliance on their ſteadineſs and valour.—This reliance the crew juſtified by a prompt and unanimous acclamation of their readineſs to meet every poſſible danger in a cauſe ſo glorious. It is underſtood that this attack will be far more ſerious than any that have preceded it. It appears that in the former bombardments our ſhips have fired at too great a diſtance from the French coaſt materially to injure their harbour, ſhipping, or towns. In order, therefore, to do more execution in this inſtance, our cruizers are to ſtand cloſer in ſhore, which of courſe will expoſe them to the annoyance of the enemy's batteries—a circumſtance which muſt give conſiderable anxiety to every Briton who feels ſolicitous for the preſervation of the lives of his countrymen, but no one who juſtly appreciates their gallantry can feel any fear as to the ultimate iſſue of the conteſt. The object is certainly of ſuch importance as to be worthy of great riſks, if not of great ſacrifices.

Thirty-three tranſports came into the Downs yeſterday, and their deſtination is for Portſmouth, there, as they underſtand, to take in troops for Portugal. More tranſports are hourly expected.

There was a report of an alarm at Dover, laſt night. All the yeomanry and regulars were under arms in conſequence of ſome French ſloops being perceived coming out of Boulogne harbour yeſterday evening. They made for Calais, and were interrupted by our cruizers.

The Knell.

At Loonenburgh, on the 24th inst. Mrs. DINAH BUNKER, wife of Mr. Timothy Bunker, aged 44 years.

Literary Notice.

LIFE OF WASHINGTON.

Gentlemen in this vicinity, who feel diſpoſed to patronize this grand national work, have now an opportunity—the ſubſcriber being authorized to receive ſubſcriptions. Thoſe who wiſh to be poſſeſſed of this invaluable hiſtory, will do well to make early application, as the firſt volume is now in the preſs, and no ſubſription will be received after the publication of this volume. The terms of ſubſcription may be ſeen in the Balance Advertiſer, or at the office of

HARRY CROSWELL.

Jan. 24th, 1804.

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FOR 1804.

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NOTE.

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The Wreath.

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CONCLUDED.

If the beginning of the following passage will please the *wit*, the close of it, will animate the *patriot*. The first will shew the *folly*, and the last the *villainy* of Virginian policy. Speaking of the Executive—

Beneath his kind, and fostering hand,
What blessings overwhelm the land.
Our debt is paid with so much vigour,
'Tis grown about a quarter bigger;
Salaries, which were so high before,
Have hoisted up a quarter more;
The taxes too are done away,
And Labour's mouth has nought to pay;
Loaf Sugar free from duty passes,
And Jersey people drink molasses.
What stupid Federalist shall dare,
Wolcott with Gallatin compare?
Roll'd on his tongue, our language mends,
He holds finance at finger's ends;
And while his former Whiskey neighbours,
Reap the rich harvest of his labours,
Pour down dog-cheap the enlivening rill,
All hot, and luscious from the still;
Yet still our patriot merchants pay,
And save our Treasury from decay.
This is the true Virginian plan,
Built on *the equal rights of man*—
"*That Commerce should the burthens bear,*
"*And Labour's mouth be free as air*"—
For where does commerce spread her sails,
Where brave the storms, or court the gales?
Along Virginia's sullen shore,
Scarce floats a barque, or strikes an oar,
No hardy seaman mounts the mast,
Nor whistles at the approaching blast.
But, Eastward turn the aching eye—
What fairy scenes before us lie?—
There commerce spreads unnumber'd sails,
There braves the storms, and courts the gales,
Vast fleets Old Ocean's bosom ride,
And wealth flows in with every tide.
Hence springs that firm resistless power,
Which meets unmov'd the threatening hour,
That spirit which no fears controul,
That fire which warms the freeborn soul.

Some of the satellites that revolve round the president, are thus described:—

Nor stands the Genevese alone,—
A chosen club surround the throne.
The Farmer can his goose-quill draw,
On politics as well as law;
Dearborne performs his duty well,
Except when call'd upon to spell;
And when depriv'd of every shift
Paine takes a sling, and gives a lift.
For tho', when sober, Tom is dull,
Stupid, and filthy as a gull,
Yet give him brandy, and the elf,
Will talk all night *about himself*:
And whilst his patron stands amaz'd,
Waiting to hear himself beprais'd,
The drunken sot does nought but cry,
And sing, and write, of Mr. I.
Such skill have Granger's projects shew'd,
O'er those which Habersham pursued,
So nicely does his compass traverse,
If shifting men for "*faithful service*,"
That ere two years have run their race,
By travelling *nights*, as well as days,
The Income's risen thro' *Hobbies* dirty,
From *Eighty Thousand, down to Thirty*.

"Our philosophic chief" is thus complimented on his *Louisiana land-speculation*:—

But let us trace this mighty mind,
Form'd to amaze, and bless mankind—
See him commence Land-Speculator,
And buy up half the realm of nature,
Towns, cities, Indians, Spaniards, '*prairies*,'
Salt-petre vats, and buffaloe dairies,
Harvests all ripen'd for the sickle,
And salt enough the world to pickle—
Salt, which in rain and shine has stood,
From Adam's fall thro' Noah's flood,
And yet enough remains behind,
To cure the pork of all mankind.
Here too we find a soil so deep,
Wool grows on stumps as well as sheep;
And shrubs and trees, if e'er they grew,
Have lost their foothold, and slump'd thro';
And men dare not, so soft's the road,
Without their snow-shoes walk abroad.
At random here the Mammoth browses,
As large as common meeting-houses,
Snakes reach the size of saw-mill logs,
And rats and mice as large as dogs,
Musquetoes weigh as much as crows,
And man to such a giant grows,
So long, so wide, that at a meal,
He'll eat a loin of Mammoth veal.

The friend of his country, and the lover of good poetry, will feel the full force of the following lines:—

The '*Sovereign People*,' who compose,
The friends of freedom, or its foes?
Are those who march'd in dread array,
To meet proud Britain in the affray,—
Who (when War's ensigns, wide unfurl'd,
Spread tumult through the western world)
Seiz'd the rude musket, sword, and shield,
And throng'd by thousands to the field;
That little remnant which remains
From Bunker's heights, and York-Town's plains,—
A glorious few, whose forms still bear,
The fearless front, the victor's scar,—
Bright trophies in hard conflict won,
When led by Fame's IMMORTAL SON!
Or are the owners of the soil,
Proud of the spot on which they toil,
Attach'd by habit, and by birth,
To freedom, government, and worth—
Are these the men whose voice is heard,
Whose wishes, or whose will rever'd?
Far other powers these States obey,
A different sovereign holds the sway.

We would proceed, but in the state of New-York, *the truth cannot be given in evidence!* We hasten to the concluding lines of the poem—

Where are New-England's hardy sons?
How slow their ancient spirit runs?
Can they stand cold, and tamely by,
And see in dust their country lie?
To independence they were bred,
For Freedom oft they fought and bled,
And shall the prize be basely lost,
Which so much blood and treasure cost?
Forbid it shame—Then e'er too late,
Ward off the dark impending fate.
That party which now holds the helm,
Will ruin, or will rule the realm.
Go backward, all their footsteps trace,
Mark every winding of their race,
Their measures to one purpose tend,
All to one favourite object bend.
Arm'd at all points they scour the field,
Our Union ties already yield,
Our Constitution's strength is gone,
Its pride, its Justice overthrown.
Lo, now, the servile Band engage,
With party fire, and maddening rage,
To force our freeborn souls to obey,
And bow beneath a despot's sway,
To fix their Man, thro' noise and strife,
Our KING or PRESIDENT FOR LIFE!
In one vast vortex sink the fates,
And freedom of the Northern States,
Place in Virginia's hands the reins,
And bind our Sovereignty in chains.
What palsy numbs the public hand,
What madness overspreads the land!
To Gallia turn the searching eye,
See millions there in bondage lie,
In adamantine fetters bound,
Oppress'd, and trodden to the ground.
See Switzerland in ruin spread,
See Holland number'd with the dead,
Half Europe kiss the iron rod,
And tremble at a Russian's nod.
Here let us pore on Freedom's tomb,
Here read our own approaching doom—
That doom from Anarchy which springs,
More dreadful than the worst of kings,—
And from example, learn to save
The birthright which our FATHERS gave—
LAWS equal, mild, and just, and pure,
FREEDOM from anarchy secure,
FIRESIDES where heavenly bliss has flow'd,
And ALTARS consecrate to GOD.

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